APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,575	08/21/2003	Winnie C. Wu	MSFT-2733/305587.01	9794

			EXAMINER
41505	7590	01/04/2006	ABEL JALIL, NEVEEN

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ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *November 14, 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 14-November-2005 has been entered.

2.   The amendment filed on 14-November-2005 has been received and entered. Claims 1-16

are now pending.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth

the subject matter which applicant(s) regard as their invention. Applicant's language of

"allowing" –i.e. causing-- a computer to do something -in claim 8- is not prohibiting and does

not cause any functionality to occur in the computer and thus failing to particularly point out and

distinctly claim their invention (it's unclear what Applicant's intended metes and bounds of the

claim are, since the claim appears to cover anything and everything that does not prohibit actions

from occurring).

    Claims 9-12 are dependent on claim 8 and therefore carry the same deficiency.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-3, 6-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Call (U.S. Pub. No. 2002/0143521 A1) in view of Vincent, III (U.S. Pub. No.

2004/0268240 A1), and further in view of Gombocz et al. (U.S. Pub. No. 2002/0156792 A1).

        As to claims 1, 8, and 13, Call discloses a storage platform comprising:

        a data store in which data stored therein is defined in terms of items, elements, and

relationships, wherein an item is a unit of data storable in the data store and comprises one or

more elements, an element is an instance of a type comprising one or more fields (See Call page

5, paragraph 0065, also see Call page 11, paragraphs 0115-0117, also see Call page 18,

paragraph 0275), and

        a relationship is a link between at least two items (See Call page 26, column 1, lines 29-

37);

        a set of schemas that define different types of items, elements, and relationships (See Call

page 11, paragraphs 0115-0117); and

an application programming interface comprising a class for each of the different items,

elements, and relationships defined in the set of schemas (See Call page 25, paragraphs 0376-

0375, also see Call page 5, paragraph 0070).

Call does not teach a customizable subset of schemas that extend the set of schemas and

are dependent on the set of schemas.

Vincent, III teaches a customizable subset of schemas that extend the set of schemas and

are dependent on the set of schemas (See Vincent, III page 7, paragraphs 0100-0112, and see

Vincent, III page 8, paragraph 0115).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Call to include a customizable subset of schemas

that extend the set of schemas and are dependent on the set of schemas.

It would have been obvious to a person having ordinary skill in the art at the time of the

invention was made to have modified Call by the teaching of Vincent, III to include a

customizable subset of schemas that extend the set of schemas and are dependent on the set of

schemas because it allows for large scale schema management and consistency (See Vincent, III

page 1, paragraphs 0003-0004).

Call as modified still does not teach a synchronization service that synchronizes the

storage platform with another storage platform and synchronize the data store with data sources

that implement proprietary protocols.

Gombocz et al. teaches a synchronization service that synchronizes the storage platform

with another storage platform and synchronize the data store with data sources that implement

proprietary protocols (See <u>Gombocz et al.</u> page 14, paragraph 0184, also see <u>Gombocz et al.</u> page 17, paragraph 0205).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified <u>Call</u> as modified to include a synchronization service that synchronizes the storage platform with another storage platform and synchronize the data store with data sources that implement proprietary protocols.

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified <u>Call</u> as modified by the teaching of <u>Gombocz et al.</u> to include a synchronization service that synchronizes the storage platform with another storage platform and synchronize the data store with data sources that implement proprietary protocols because it allows for access optimization across heterogeneous data platforms (See <u>Gombocz et al.</u> page 3, paragraph 0031).

As to claims 2, 9, and 14, <u>Call</u> as modified discloses wherein data may also be stored in the data store in the form of an extension to an existing item type, and wherein the application programming interface comprises a class for each different item extension (See <u>Call</u> page 26, column 2, lines 1-17).

As to claim 3, <u>Call</u> as modified discloses wherein the class for each type of item, element, and relationship is generated automatically based on the set of schemas that define each type of item, element, and relationship (See <u>Call</u> page 25, paragraph 0374, also see <u>Call</u> pages 11-12,

paragraph 0125).

As to claims 6, and 12, <u>Call</u> as modified discloses comprising a database engine on which

the data store is implemented, and wherein the different types of items, elements, and

relationships in the data store are implemented in the database engine as user-defined types

(UDT) (See <u>Call</u> pages 11-12, paragraphs 0125-0128).

As to claim 7, <u>Call</u> as modified discloses wherein the application programming interface

provides a query model that enables application programmers to form queries based on various

properties of the items in the data store, in a manner that insulates the application programmer

from the details of the query language of the database engine (See <u>Call</u> page 11, paragraphs

0120-0124, also see <u>Call</u> page 5, paragraphs 0070-0071).

7.   Claims 4-5, 10-11, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Call</u> (U.S. Pub. No. 2002/0143521 A1) in view of <u>Vincent, III</u> (U.S. Pub. No.

2004/0268240 A1), and further in view of <u>Gombocz et al.</u> (U.S. Pub. No. 2002/0156792 A1) as

applied to claims 1-3, 6-9, and 12-14 above, and further in view of <u>Freyssinet et al.</u> (U.S. Patent

No. 6,477,564 B1).

As to claims 4, 10, and 15, <u>Call</u> as modified still does not teach wherein the classes for

each type of item, element, and relationship define a set of data classes, and wherein the

application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes.

Freyssinet et al. teaches wherein the classes for each type of item, element, and relationship define a set of data classes, and wherein the application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes (See Freyssinet et al. column 6, lines 31-46, also see Freyssinet et al. column 5, lines 28-53).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Call as modified to include the classes for each type of item, element, and relationship define a set of data classes, and wherein the application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes.

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Call as modified by the teaching of Freyssinet et al. to include the classes for each type of item, element, and relationship define a set of data classes, and wherein the application programming interface further comprises a second set of classes that define a common set of behaviors for the data classes because it allows for ease of data integration and assists in decision making process (See Freyssinet et al. column 1, lines 23-40).

As to claims 5, 11, and 16, Call as modified discloses wherein the second set of classes comprise a first class that represents a storage platform scope and that provides the context for

queries on the data store and a second class the represents the results of a query on the data store

(See Call page 21, paragraphs 0321-0322, also see Freyssinet et al. column 5, lines 20-50).

Response to Arguments

8.   Applicant's arguments with respect to claims 1-16 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil